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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/559,762

12/07/2005

Satoshi Murata

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EXAMINER

MEYER, KATY E

ART UNIT

PAPER NUMBER

3618

MAIL DATE

DELIVERY MODE

02/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,762	Applicant(s) MURATA, SATOSHI	
	Examiner Katy Meyer	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1 and 3-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/26/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1 – 17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claims 7 and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claims 4, 5, 11, 12, and 14 – 17 are objected to as containing subject matter identical to another claim.

Claims 4 and 7 contain duplicate subject matter (i.e. the limitations in claim 1, plus a brake disk located in the space defined by the cylindrical member).

Claims 11 and 14 contain duplicate subject matter (i.e. the limitations in claim 1, plus a brake disk located in the space defined by the cylindrical member and a double row angular bearing or single row and four points contact type bearing).

Claims 5, 8, and 16 contain duplicate subject matter (i.e. the limitations in claim 1, plus a brake disk located in the space defined by the cylindrical member and the brake disk being bolted to the hub).

Claims 12, 15, and 17 contain duplicate subject matter (i.e. the limitations in claim 1, plus a brake disk located in the space defined by the cylindrical member, the

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brake disk being bolted to the hub, and a double row angular bearing or single row and four points contact type bearing).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4, 5, 7 – 9, 11, 12, and 14 – 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Shimizu (JP 2003-300420).

Shimizu discloses a suspension system for a vehicle, comprising: an outer rotor type motor having a stator (42,43) provided on an outer surface of a cylindrical member (40) that defines space open to at least an inboard side of the vehicle, and a rotor (30) rotatably supported by the cylindrical member, wherein the outer rotor type motor is provided within a wheel (1) and the rotor of the outer rotor type motor is connected to the wheel (see 21); a suspension arm whose mounting portion is provided on an inner surface of the cylindrical member (see 62); and a hub (70) that is fixed to the wheel in the vicinity of a wheel rim and is connected to the cylindrical member via a bearing (5) that allows relative rotation between the cylindrical member and the wheel, wherein the hub has an annular shape so as to be accommodated between the cylindrical member and the rotor (Fig. 1), such that load inputs to the wheel are transmitted to the cylindrical member only via the rotor and the bearing and then are received by the suspension arm.

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Shimizu further discloses a brake disk located within the space defined by the cylindrical member (see Fig. 3) and bolted to the hub (see 168). Shimizu further discloses a double row angular bearing (5).

Claims 3, 6, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (JP 2003-300420) in view of Braschler (US 5,289,905).

Shimizu meets all the limitations of the claimed invention, but does not disclose a sealing. Braschler (see Fig. 3) show a sealing (88) in board of a rotor (90) and adjacent one of two bearings (86). Nagaya further disclose a second bearing (3g). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the system disclosed by Shimizu with the seals taught by Braschler to protect the bearings from damage or debris that might adversely affect their performance.

Shimizu further discloses a double row angular bearing (5). A brake disk is located within the space defined by the cylindrical member (see Fig. 3) and bolted to the hub (see 168).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katy Meyer whose telephone number is (571)272-5830. The examiner can normally be reached on Monday - Friday, 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. M./
Examiner, Art Unit 3618

/Christopher P Ellis/
Supervisory Patent Examiner, Art
Unit 3618

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